

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-358-T - ORDER NO. 2022-83

FEBRUARY 10, 2022

IN RE: Application of ABA Moving & Storage, Inc.) ORDER GRANTING
d/b/a Two Men and a Truck to Amend Its) APPROVAL OF AMENDED
Tariff) TARIFF

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Request of ABA Moving & Storage, Inc. d/b/a Two Men and a Truck (hereinafter referred to as “ABA Moving” or “Company”) for Approval of its Amended Tariff. ABA Moving is a holder of a Class E Household Goods Motor Carrier Certificate and seeks approval to increase its hourly moving rates and other related expenses.

II. FACTS AND PROCEDURAL HISTORY

ABA Moving, a limited liability company, filed an Application for a Class E Certificate of Public Convenience and Necessity with the Commission on February 12, 2020. ABA Moving sought a Class E Certificate for Public Convenience and Necessity in Docket No. 2020-84-T, which was approved by the Commission on June 24, 2020 (Order No. 2020-386). The Company filed this request for permission to amend its tariff on November 18, 2021.

By letter dated November 23, 2021, the Clerk's Office of the Commission instructed ABA Moving to publish the Notice of Filing ("Notice") in newspapers of general circulation in the areas affected by the Application. The Notice summarized Applicant's initial proposed changes and advised any person desiring to participate as a party of record to file a Petition to Intervene on or before December 29, 2021. ABA Moving filed its Affidavit of Publication on January 6, 2022. The Notice was published in *The State* on December 28, 2021. No parties intervened.

The Office of Regulatory Staff ("ORS"), a party of record pursuant to section 58-4-10(B) of the South Carolina Code of Laws (Supp. 2021), was notified of the requested amendment and filed its notice of appearance on November 22, 2021. ORS has no objection to the amendment.

The Commission addressed the proposed Amended Tariff in a virtual business meeting on January 27, 2022 at 2:00 p.m. Chairman Justin T. Williams presided. A motion was made to approve ABA Moving's request to amend its Tariff, and the motion was unanimously granted by the Commission.

III. EVIDENCE OF RECORD

As there was no evidentiary hearing in this matter, we must rely upon the documents filed with the Commission. The evidence includes the Amended Tariff, ORS's Tariff Comparison, and Impact Study review letter.

ORS reviewed ABA Moving's Application and prepared an Impact Study, which it filed with the Commission on January 24, 2022. The results of the ORS study include the following findings: ABA Moving is "in compliance with Commission rules and regulations," "ORS has received no consumer complaints related to ABA Moving in the

past 12 months," and "ABA Moving is in compliance with Annual Report and Gross Receipt filing requirements." (ORS correspondence dated January 24, 2022). The proposed changes to the Company's Tariff are outlined below.

Proposed Hourly Rates

Section 1 – Transportation Charges

If customers cancel within 48 hours of their move, the Company will charge a two-hour minimum fee.

1.1.1 Hourly Rates for Non Peak Season:

| | |
|--|------------|
| Rate per two movers, residential | \$134/hour |
| Rate per three movers, residential | \$179/hour |
| Weekend rate per two movers, residential | \$149/hour |
| Weekend rate per three movers, residential | \$194/hour |
| Each additional mover/truck | \$ 45/hour |

Hourly Rates for Peak Season:

| | |
|--|------------|
| Rate per two movers, residential | \$139/hour |
| Rate per three movers, residential | \$184/hour |
| Weekend rate per two movers, residential | \$154/hour |
| Weekend rate per three movers, residential | \$199/hour |
| Each additional mover/truck | \$ 45/hour |

Peak season will be from May 1 to August 31 each year. Peak rates also apply to the first and last three days of every month.

Section 2 – Additional Services

2.8 Overnight Storage – Overnight Storage of a customer's items on a truck will be charged at a rate of \$400.00 per night.

ORS provided a comparison of ABA Moving's current rates with their proposed rates, which is included below.

January 24, 2022

ORS Tariff Comparison
ABA Moving and Storage Inc dba Two Men and a Truck
Docket No. 2021-358-T

Exhibit A

| | Description | Unit | Approved Rate | Proposed Rate | Increase Amount | % Increase |
|---------------------|------------------------------------|---------------|---------------|---------------|-----------------|------------|
| Rates Per Hour | Rate per two movers, residential | Per Hour | \$124.00 | \$134.00 | \$10.00 | 8.06% |
| | Rate per three movers, residential | Per Hour | \$164.00 | \$179.00 | \$15.00 | 9.15% |
| | Rate per two movers, residential | | | | | |
| | Weekend | Per Hour | \$134.00 | \$149.00 | \$15.00 | 11.19% |
| | Rate per three movers, residential | | | | | |
| | Weekend | Per Hour | \$174.00 | \$194.00 | \$20.00 | 11.49% |
| | Additional Man | Each Per Hour | \$40.00 | \$45.00 | \$5.00 | 12.50% |
| Additional Services | Overnight Storage | Per night | \$300.00 | \$400.00 | \$100.00 | 33.33% |

IV. APPLICABLE LAW

The Commission is specifically authorized to regulate carriers of household goods, and to set their rates and charges: "[t]he commission must promulgate regulations necessary to control entry and certification standards, set rates and charges, and establish enforcement procedures and powers to govern the operations of carriers of household goods and hazardous waste for disposal." S. C. Code Ann. § 58-23-590 (2015).

The Commission is authorized to fix or approve the rates charged by every South Carolina motor vehicle carrier: "[t]he commission shall regulate every motor carrier in this State and fix or approve the rates, fares, charges, classifications, and regulations pertaining to each motor carrier.... The rates once established remain in effect until such time when the commission determines the rates are unreasonable." § 58-23-1010.

1. The commission shall make, fix, establish, or allow just and reasonable rates, fares, charges, classifications, and rules for all motor carriers subject to its rate jurisdiction.

2. As often as circumstances may require, the commission upon notice and hearing, if deemed necessary, from time to time may change or revise, or cause to be changed or revised, any rates, fares, charges, classifications, and rules of a carrier who operates under a Certificate of PC&N.

Regulation 103-191, S. C. Code of Regulations (2012).

"Every rate made, demanded, or received by any motor carrier operating under a Certificate of PC&N... shall be just and reasonable." Reg. 103-192. Once rates are approved, motor carriers are prohibited from charging more or less than the rates specified in lawful tariffs, schedules, or by specific order of the Commission:

[N]o motor carrier operating under a Certificate of PC&N shall charge... a greater or lesser or different compensation for transportation, or for any service rendered, than the rates, fares, and charges specified in the lawfully applicable tariffs or schedules in effect from time to time.

S.C. Code Ann. Regs. 103-198 (2012).

V. FINDINGS OF FACT

After review of the Application and all of the evidence in the record, the Commission makes the following findings of fact:

1. ABA Moving provided a proposed Amended Tariff, setting forth an increase in the hourly cost of its moving services and other related expenses. See Order Exhibit No. 1.
2. We find ABA Moving's Amended Tariff to be appropriate.
3. ORS determined ABA Moving is in compliance with all applicable Commission rules and regulations, including the Annual Report and Gross Receipt filing requirements.
4. ORS has not received any consumer complaints regarding ABA Moving in the past twelve months.
5. After review of the Application and the Impact Study prepared by ORS, we find the proposed amendments to the Tariff are just and reasonable.

VI. CONCLUSIONS OF LAW

After review of the Application and all of the evidence in the record, the Commission makes the following conclusions of law:

1. The Commission finds the proposed amendments to the Tariff of ABA Moving & Storage, Inc. d/b/a Two Men and a Truck, are just and reasonable pursuant to Regulations 103-191 and 192 of the South Carolina Code of Regulations.

2. The Commission finds the proposed amendments to the Tariff shall be approved pursuant to the authority of the Commission set forth in sections 58-23-590 and 1010 of the South Carolina Code of Laws (2015).

VII. ORDERING PROVISIONS

IT IS THEREFORE ORDERED:

1. The request of ABA Moving & Storage, Inc. d/b/a Two Men and a Truck for approval of their Amended Tariff is granted.

2. The final Amended Tariff is approved and attached hereto as Order Exhibit No. 1.

3. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Justin T. Williams, Chairman
Public Service Commission of
South Carolina

ABA Moving & Storage, Inc. d/b/a Two Men and a Truck
Effective Date:

South Carolina Household Goods Tariff
Page 1

REGULATIONS AND SCHEDULE OF CHARGES
APPLICABLE TO
INTRASTATE HOUSEHOLD GOODS MOVES
WITHIN THE STATE OF SOUTH CAROLINA

ABA Moving & Storage, Inc. d/b/a Two Men and a Truck
2410 Air Park Road
North Charleston, SC 29406-6160
(843) 529-0220

ABA Moving & Storage, Inc. d/b/a Two Men and a Truck
Effective Date:

South Carolina Household Goods Tariff
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CHECK SHEET

Pages 1 through 14 of this tariff are effective as of the date shown.

| <u>Page</u> | <u>Revision</u> |
|-------------|-----------------|
| 1 | Original |
| 2 | Original |
| 3 | Original |
| 4 | Original |
| 5 | Original |
| 6 | Original |
| 7 | Original |
| 8 | Original |
| 9 | Original |
| 10 | Original |
| 11 | Original |
| 12 | Original |
| 13 | Original |
| 14 | Original |

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TARIFF FORMAT

- A. **Page Numbering** - Page numbers appear in the upper-right corner of the page. Pages are numbered sequentially. New pages may occasionally be added to the tariff. When a new page is added, the page appears as a decimal. For example, a new page added between pages 3 and 4 would be 3.1.
- B. **Page Revision Numbers**. Page Revision Numbers also appear in the upper-right corner of the page. These numbers are used to determine the most current page revision on file with the South Carolina Office of Regulatory Staff. For example, the Fourth Revised Page 3 cancels the Third Revised Page 3.
- C. **Paragraph Numbering Sequence**. There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level of coding.
- 1.
 - 1.1
 - 1.1.1
 - 1.1.1.A.
 - 1.1.1.A.1.
 - 1.1.1.A.1.(a)
 - 1.1.1.A.1.(a)(1)
 - 1.1.1.A.1.(a)(1)(i)
 - 1.1.1.A.1.(a)(1)(i)(1)

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APPLICABILITY OF TARIFF

This tariff contains the regulations and rates applicable to the provision of intrastate household goods moves by ABA Moving & Storage, Inc.. ("ABA" or "Two Men and a Truck®"). These services are furnished between points and places in South Carolina.

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SECTION 1 - TRANSPORTATION CHARGES

1 Transportation Charges include the hourly rates as listed below.

1.1 Hourly Rates and Charges

Moves will be conducted at the rates listed below:

All charges will start when the men/truck(s) leave the office located at 2410 Air Park Rd. and the charges will end when the men/truck(s) return to the shop. These charges will include all intrastate travel and moving and/or packing services. This time will be referred to as "Port to Port Travel".

"Driving distance" will be calculated by reference to "Google Maps" or like mapping service or application.

There are no minimum charges and the hourly rates are calculated in fifteen-minute increments. Any interim charge is rounded up to the next fifteen-minute increment. If customers cancel within 48 hours of their move, the Company will charge a two-hour minimum fee. The weekend rate will be charged on Fridays and Saturdays.

Customers are not charged an additional fee for overtime labor.

1.1.1 The Hourly Rates follow For Non Peak Season:

| | |
|--|------------|
| Rate per two movers, residential | \$134/hour |
| Rate per three movers, residential | \$179/hour |
| Weekend rate per two movers, residential | \$149/hour |
| Weekend rate per three movers, residential | \$194/hour |
| Each additional mover/truck | \$45/hour |

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The Hourly rates for Peak Season:

| | |
|---|------------|
| Rate per two movers, residential | \$139/hour |
| Rate per three movers, residential | \$184/hour |
| Weekend rate per two movers, residential | \$154/hour |
| Weekend rate per three movers, residential | \$199/hour |
| Each additional mover/truck | \$45/hour |

Peak season will be from May 1 to August 31 each year. Peak rates also apply to
the first and last three days of every
month

SECTION 1 - TRANSPORTATION CHARGES (Cont'd)

1.1.2 Discounts:

ABA will offer a discount of \$5.00 off per hour for military, seniors and first
responders

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SECTION 2 - ADDITIONAL SERVICES

- 2 The following charges shall be assessed in addition to the hourly rates quoted in Section 1 of this tariff

2.1 Bulky Article Charges

- 2.1.1 ABA does not charge an additional fee for the loading and unloading of bulky articles.
- 2.1.2 ABA reserves the right to decline, at its sole discretion, to move particular items because of their bulk or fragile nature.
- 2.1.3 ABA does not have additional charges for pianos

2.2 Elevator or Stair Carry

ABA does not charge an additional fee for elevator or stair carry.

2.3 Excessive Distance or Long Carry Charges

ABA does not charge an additional fee for carrying articles an excessive distance from the motor vehicle.

2.4 Packing and Unpacking

- 2.4.1 ABA does not charge an additional fee for packing and unpacking. The packing rate is the same as the hourly rate listed in Section 1.1 plus the market price plus 100% of packing materials, including sales tax on the materials.
- 2.4.2 ABA is not responsible for items packed by the customer. Boxes containing fragile or breakable items must be properly labeled.

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SECTION 2 - ADDITIONAL SERVICES (Cont'd)

2.5 Labor Charges Regular and Overtime

Labor charges are based on hourly rates as listed in Section 1.1. The applicable rate is multiplied by the number of hours.

2.6 Pick-Up and Delivery, Extra

ABA does not charge an additional fee for making additional pick-ups or deliveries after the initial stop.

2.7 Waiting Time

The shipper is charged the rates specified in Section 1.1 for all waiting time or delays not the fault of the carrier.

2.8 Overnight Storage

Overnight Storage of a customer's items on a truck will be charged at a rate of \$400 per night.

2.9 Articles, Special Servicing

The rates and charges in this tariff do not include servicing or unservicing articles or appliances such as freezers, refrigerators, computer equipment, washers, dryers, televisions, and similar articles. ABA does not disconnect or reconnect the shipper's appliances and articles.

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SECTION 3 - RULES AND REGULATIONS

3

3.1 Claims and Valuation Process

Although our movers will be careful with your possessions, from time to time damages may occur. If damages are caused by our service, we reserve the right to repair or replace any damaged goods at our discretion for like kind and quality. If we determine that damage(s) cannot be repaired, and replacement is not a viable option, customer will be compensated based on the actual cash value of the item/s.

A minimum of \$.60/pound and a not to exceed of Actual Cash Value is valid while your goods are in the care, custody, and control of ABA. Our Quality Control team will contact you and begin the damage claim process. The process can include, but is not limited to, onsite evaluation of damage, photo request, and original purchase receipt. If your items are placed in storage, as soon as we release custody, actual cash value of your items cannot be claimed. If damage is discovered after the movers have completed your move, a claim must be called in to our office within 96 hours of the move.

No damage claims will be honored until the charges for moving services are paid in full. You will be asked to sign a Moving Services Agreement acknowledging this.

3.2 Valuation

Certain items are not covered by a minimum of \$.60/pound and a not to exceed of Actual Cash Value. These include:

Articles of extraordinary value (antiques, fine art, paintings, statutes and similar items; memorabilia, souvenirs, and collector's items; jewelry, furs, stocks, bonds, and cash).

Ready to Assemble Furniture (made of engineered wood and paper laminate finish, due to the inherent risk and substandard integrity of this type of furniture).

Boxes Packed by Customer. If we pack your boxes, everything in those boxes will be covered. However, if you opt to pack a box yourself, absent any drop damage on the outside of that box, we are not responsible for any breakage within the box.

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SECTION 3 - RULES AND REGULATIONS (Cont'd)

Items with Previous Damage.

Electronics.

All of these items will be released prior to loading.

First, TWO MEN AND A TRUCK® reserves the right to repair or replace any damaged goods at our discretion for like kind and quality. *We employ or contract with trained professionals in the areas of woodworking, glass, marble, electronics, appliances, etc.*

Second, if we cannot repair the item we will replace it with a similar item of like kind and value.

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SECTION 3 - RULES AND REGULATIONS (Cont'd)

Third, if replacement is not a viable option, we will make a cash settlement for actual cash value. Actual Cash Value refers to the amount to replace your item according to its current worth. *Keep in mind, depreciation will be based upon original receipt of purchase, and your item could lose its residual value due to wear and tear, depletion, and passage of time.*

3.3 Third-Party Insurance Protection for Items of Extraordinary Value

As set out above, items of extraordinary value are not included in the minimum of \$.60/pound or the actual cash value provided by the Company. However, you have the option of purchasing insurance from a third-party insurance company, outside of TWO MEN AND A TRUCK®. Before purchasing insurance, check your homeowner's insurance policy to see if you're already covered.

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SECTION 3 - RULES AND REGULATIONS (Cont'd)

3.4 Computing Charges

Aba's rates are computed by multiplying the applicable hourly rate by the time as provided in Section 1.1.

3.5 Governing Publications

ABA's rates and charges are governed by the terms and conditions of this tariff, and the Rules and Regulations of the Public Service Commission of South Carolina.

3.6 Storage-in-Transit

Carrier will require payment when a shipment is delivered to a temporary storage warehouse. Charges are calculated as provided in Section 1 and Section 2.8.

3.7 Bill of Lading, Contract Terms, and Conditions

ABA shall issue and maintain Bills of Lading consistent with Commission Rules 103-58, and 103-159.

3.8 Items of Particular Value

ABA does not assume any liability whatsoever for documents, currency, money, credit cards, jewelry, watches, precious stones or articles of extraordinary value including accounts, bills, deeds, evidences of debt, securities, notes, postage stamps, stamp collections, trading stamps, revenue stamps, letters or packets of letters, alcoholic beverages, firearms, coin collections, articles of peculiarly inherent or intrinsic value, precious metals or articles manufactured therefrom. ABA will not accept responsibility for safe delivery of such articles if they come into ABA's possession with or without ABA's knowledge.

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